

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

STEVEN M. SUMMERS,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-02832

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant's unopposed Motion for Remand. (ECF No. 14.) On March 18, 2015, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge VanDervort filed a PF&R on September 11, 2015, (ECF No. 15), recommending that this Court grant the unopposed motion, reverse or vacate the decision of the Acting Commissioner of Social Security, and remand this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

This Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes waiver of de novo review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not

conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendation.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on September 28, 2015. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 15), **GRANTS** Defendant’s motion for remand, (ECF No. 14), **REVERSES** the final decision of the Commissioner, **REMANDS** this case for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and **DISMISSES** this action from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 17, 2016



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE